

## Testimony By Mr. Dennis M Roth

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Chairman Ehlers, ranking minority member Millender-McDonald, and members of the Committee, on behalf of the over 500 bargaining-unit employees and over 260 members of the Congressional Research Employees Association, otherwise known as CREA, I thank you for giving us the opportunity to testify before you here today. As you are probably aware, CREA is the union representing all bargaining-unit employees of CRS, currently ranging between grade levels GS-3 and Senior Level.

My name is Dennis Roth, President of CREA, a position I have held for nearly 19 years. May 2006 marked my 30th year with the Congressional Research Service and early July my 35th year of Federal Service, including two years in the Peace Corps. Until the recent CRS administration I was able to participate in, and assist with, many changes in CRS and in the Library of Congress.

I would like to focus my testimony today on the style of management being practiced under the leadership of CRS Director Daniel P. Mulhollan and its consequences on staff and on CRS. Leadership can be accomplished many ways, and we believe that CRS currently practices a style inappropriate, damaging, and destructive for a professional service organization. This has led to an ever widening gap in trust and respect between top-level CRS management and staff. It is autocratic, centralized, and secretive. Staff who speak out and recommend changes to top-level management decisions are labeled disloyal and whiners unwilling to accept change.

The effects of this style of leadership on CRS staff became patently clear to CRS top-level management when the results of a 2002 all staff communications survey were released that year. The primary finding of the survey was that top-level CRS management's failure to allow and nourish two-way communications created an environment of distrust and disrespect. While some effort was made to correct the problems, it was short-lived. A follow-up survey approximately two years later yielded basically the same results. And this was the case even though many new employees had joined CRS. On both communications surveys staff expressed a strong desire to have a participatory form of management; yet, CRS top-level management has chosen not to do so.

**We believe the event that triggered the decline in trust and respect was the**

major reorganization of CRS that took place in 2000. While many staff had major concerns over the substance of the reorganization, almost all objected to how it was decided and, ultimately, implemented. Staff never were informed that a reorganization was being contemplated by top-level CRS management and when it was announced staff were told that management was not open to modify the major provisions of the reorganization. Many believed that it was a form of retaliation against two analytical divisions that worked with the Congress in the identification of current and future issues, although there may not be any specific legislation. Being proactive was considered by top-level CRS management as a detriment rather than an asset. It was considered as not being of service to the Congress. Because of this leadership management style of "decide and announce," staff and top-level management began a disengagement whose effects still exist. To quote Teddy Roosevelt: "People ask the difference between a leader and a boss .... The leader works in the open, and the boss in covert. The leader leads, and the boss drives."

From my personal perspective CRS is being managed without respect and trust for the staff. This is indeed odd and inappropriate. CRS analysts and information specialists are hired into CRS because of their skills and abilities to analyze issues and problems and propose alternative solutions. We are good enough for the Congress of the United States of America but not good enough for the top-level management of CRS! I hope that will require CRS to explain this to you and have them alter their leadership style.

Most telling and most damaging to date has been Director Dan Mulhollan's decision in September of last year to eliminate the positions of 59 production support, technical support, and audio/visual support staff. This Reduction-in-Force (RIF) conducted under the same shroud of autocracy and secrecy. While the affected staff were being surveyed, believing that CRS was finally going to update their position descriptions, top-level management was scheming to eliminate them. Most distressing was the fact that analytical and research staff who relied most heavily on these staff were never consulted. Again, the Director made a "decide and announce" decision rather than seeking input from the clients of the affected staff. The announcement sent a shockwave throughout the organization. The primary reason given by the Director was that he had conducted "sound business practice" analyses which revealed that the affected positions were no longer necessary in CRS. Yet, surprisingly, he has refused to let these studies see the light of day. He has turned down requests from Congressional committees, individual Representatives and Senators, and CREA, which an arbitrator found to be illegal. One would think that management would readily offer any substantive study supporting a business decision. Why has CRS top-level management worked so hard to keep the studies private? We should soon find out. In fact, we once again requested them in preparation for this hearing but CRS has not decided if they wish to challenge the arbitrator's decision. It should be noted that the arbitrator went so far as to scold CRS and the Library in her decision when she noted: "... many arbitrations, and much expenditure of resources on both sides, could be avoided if agencies routinely provided information needed by unions to make the important decisions of whether to file grievances and proceed to arbitration."

Many members of the House were also unable to comprehend the rationale for the Director's decision and in February expressed their displeasure in a letter to Librarian of Congress James Billington and copied to Director Mulhollan and CREA. Congresswomen Millender-McDonald and Norton and Congressmen Cummings, Gonzalez, Honda, and Wynn stated unequivocally that the Director's process for reaching his decision was "fundamentally flawed" and raised the prospect of open hearings. Hearings are now being held. We request that you, as these Members did in February, require that the Library give the affected employees "every consideration and every opportunity to stay if they choose."

We believe these alleged "sound business practice" studies to be considerably deficient in sound cost analyses and insufficient to reach a decision to eliminate the positions in question. If they really had substance they would have been distributed to all interested parties at the same time the intent to RIF was announced. CRS also refused a request from us to conduct a cost analysis study to verify that its RIF decision was sound. What is top-level CRS management afraid of and what is it trying to hide? Until the studies are released or other sound evidence is presented, we ask that you invoke a moratorium on the RIF. Analyses conducted in analytical divisions in CRS a month after the abolishment of the positions was announced clearly demonstrated that the functions of the dismissed staff were necessary.

CREA also remains highly concerned over the effect the RIF will have on the diversity of CRS staff. The positions being eliminated are held predominately by minorities and by women. Approximately 70% were African American, Asian, or Hispanic. While five have found other positions in CRS, diversity is still heavily affected. Hit hard are minorities in the middle grade levels in CRS; i.e., GS-8s and GS-12s. A few affected staff achieved their positions by participating in affirmative action and upward mobility programs. They will now lose them under the RIF. In late May the Library rolled out a "Diversity Action Plan" but we have heard nothing from CRS on how it will address the huge hole the RIF has created.

One element of CREA's RIF grievance was the woeful lack of technology training given to the affected staff. The arbitrator agreed that CRS had not fulfilled its training obligation. She noted that "in 2004 only 12 of the 51 affected employees [does not include supervisors] received technology training and in 2005 only 2 of the 51 received such training. In fact, there were no technology courses listed at all for fiscal year 2005; the two courses taken in 2005 were in November of that year." These two courses cost CRS a total of \$690.

CREA, from the outset, pushed the concept of retrain and retain, but the position of CRS top-level management was contradictory. In January of this year the Library opened its Online Learning Center (OLC) as part of the Center for Learning and Development. The OLC provides access to about 600 online courses including administration, communication, finance and accounting, human resources, project management, Library Science, and Contracting Officers' Technical Representative training. I personally approached the Director of the Center to investigate if he had been contacted by CRS to assist in retraining and was disappointed that he was not. The decision to RIF had already been taken.

CRS top-level management argued that RIF-affected staff could not be retrained for any positions that were to open up in the immediate future. When I requested that Director Mulhollan utilize the occupational development provisions of our CBA, he replied that the employees could not be trained for the new CRS positions. In fact, he went so far as to accuse me of being disingenuous and raising false hopes and expectations.

It is not too late to require CRS and the Library to offer to retrain affected staff for present and future positions. The structure for accomplishing this is in place - - the Center for Learning and Development. What is lacking is CRS's and the Library's willingness to do so. What a waste of resources - both the Library's training capabilities and the people who are being dismissed. If only our Director valued staff as much as the Public Printer of the Government Printing Office and the Comptroller General of the Government Accountability Office and accepted the advice of the House Appropriations Committee to follow their lead. Specifically:

The Committee understands that organizational reform is difficult, however,

the task can be achieved if strong and dynamic leadership is attained. The

Committee extends the following advice gleaned from these successful agencies.

It is critical that agency heads look to the future in planning these endeavors and

that mid-managers and employees are participants as well as stakeholders

in the process. The leaders and employees are guided in developing and

embracing their own logical and clear strategic vision for the organization's

future. Agency management needs to identify leaders at all levels that will

embrace change, and never lose sight of the most important asset of any

organization, the staff and workforce. [Emphasis added.]

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Rather, as stated in the Library's brief supporting its positions with respect to our grievance, CREA's efforts to save staff were hindering with the grieving process staff should be going through following the death of their jobs. What position could be further from the one recommended by the Congress.

The Director has also stated repeatedly that the 59 staff had to be released because funding was needed to increase the analytical capacity of CRS so that CRS could better serve the Congress. An analysis of the job openings since the announcement of the RIF last September to date raises doubt that this is accurate. Of the 96 positions CRS sought to fill over this time period, only 34%, or about one in every three, was for an analyst or specialist. About 18% were for supervisors or managers. While many

of the analyst/specialist positions were to fill vacancies because of staff attrition, only a few of the manager/supervisor positions were for this reason. We find most egregious the filling of Deputy Associate Director positions in the Office of Finance and Administration and the Office of Congressional Affairs and Counselor to the Director. The Finance and Administration Office had 4 supervisors/managers for 14 staff. They now have five or one for every 2.8 staff. The Congressional Affairs Office had 7 supervisors/managers for 35 staff. They now have 8 or one for every 4.4 staff. The employee to supervisor/manager is also low in most other divisions. We do not see a major effort to increase the analytical capacity of CRS but rather an effort fill in vacancies created by those who have left. Are the salaries saved by eliminating 59 staff really going to hire more analysts and specialists?

We believe that CRS top-level management must be re-educated and be required to develop a management style consistent with the wishes of Congress. And they must be held accountable to do so. This is one reason why we are pleased that the Committee has given us the opportunity to bring these significant deficiencies to your attention.

I can assure you we are not anti change. What we are against is effectuating change through secrecy and inflexibility. We are not seeking co-management; we are seeking opportunities to be consulted and to influence major changes that affect CRS's service to the Congress. The reputation of CRS was achieved and is maintained through the actions of our analysts, librarians, and those who support them. Yet, from top-level CRs management we cannot attain the respect and trust that you give to us on a daily basis. We seek your assistance in correcting this. We wish to work with management to make CRS the best place to work on Capitol Hill, as it once was.

CREA also requests that you make every possible effort to pass H.R. 5328, The Library of Congress Employee Transition Assistance Act of 2006, introduced by Congresswoman Millender-McDonald as soon as possible. CREA deeply thanks the Congresswoman for her efforts, not only for introducing this piece of legislation, but also for all the interest and assistance offered over the past ten months. She has been a source of hope and support for all our affected staff.

Now we need help from all of you. Passing H.R. 5328 would give CRS and other Library of Congress employees in non-temporary positions (who have successfully completed their probationary period) "competitive status" and eligible for positions in the Executive Branch agencies that are limited to such status. H.R. 5328 would also make Library, including CRS, RIFed employees eligible to participate in the Executive Branch Interagency Career Transition Assistance Plan for Displaced Employees. This program gives RIFed employees "selection preference" in filling Executive Branch vacant positions.

CREA hopes that through your efforts our affected employees will be offered other positions in CRS and the Library and will not need the significant benefits offered by this bill. However, it is important that the special status be established as soon as possible in the event that not all affected employees are offered positions.

I will now be happy to address any concerns that you may have. Thank You.